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SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 4128 OF 2006

PETITIONER

Vasudeo Kashinath Sawade S/o Shri Kashinath Sawade, Aged about 54 years, Presently posted Deputy Manager (Accounts), CG Rajya Beej Avam Krishi Vikas Nigam Ltd., Raipur & R/o B-12 Phase-I, Behind Chhattisgarh Hotel, Vishal Nagar, Raipur Dist.Raipur (Chhattisgarh)

P.R. No. 3991/06
Presented by Shri Prakash Dubey
dated 26/7/06

VERSUS

RESPONDENTS

U.O.I officer done Bhaswani 26/7/06 Asstt. Sh.

1. Union of India through the Secretary, Ministry of Personnel Public Grievance & Pension (Department of Personnel & Training), 3rd Floor, Lok Nayak Bhawan, Khan Market, NEW DELHI.

2. State of Chhattisgarh through Secretary, Department of Agriculture, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (Chhattisgarh)

3. State of Madhya Pradesh Through the Secretary, Department of Agriculture, Vallabh Bhawan, Bhopal

4. Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam Limited, "Beej Bhawan", G. E. Road, Ravigram, Telibandha , Raipur District Raipur (Chhattisgarh) Through its Managing Director Raipur (Chhattisgarh)

5. Managing Director, Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam Ltd., "Beej Bhawan", G. E. Road, Ravigram, Telibandha , Raipur District Raipur (Chhattisgarh)

संयुक्त आयुक्त, बिलासपुर संभाग बिलासपुर 24/7/06

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS, PROHIBITION OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(S) No. 491 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25-8-2006

Shri Manindra Shrivastava, Sr. Advocate with Shri Afroj Khan, Advocate for the petitioner.

Shri Bhishma Kinger, Central Government Counsel for respondent No.1.

Shri Sumesh Bajaj, Govt. Advocate for the State/respondent No.2.

Shri Rajeev Shrivastava, Panel Lawyer for the State of M.P./respondent No.3.

I.A. No.7882/2006, application for taking documents on record is allowed. Documents are taken on record.

Heard learned counsel for the parties.

By the instant petition, the petitioner, who is working as Deputy Manager (Accounts) in the Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam Ltd., has prayed to declare that the recommendation for allocation of the petitioner to the State of Madhya Pradesh is illegal, to quash the order dated 20-7-2006 whereby the petitioner has been relieved to join in the Madhya Pradesh State Agro Industries Development Corporation Ltd., to restrain the respondents from relieving or compelling the petitioner to hand over the charge and respondents be directed to consider the case of the petitioner for allocation consistent with the guidelines.

The case of the petitioner is that after reorganization of the State, by a tentative final allocation list, the services of the petitioner, who is working as Deputy Manager (Accounts) were

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

allocated to the Madhya Pradesh State Agro Industries Development Corporation Ltd.. Thereafter, the petitioner made a representation for his allocation to the State of Chhattisgarh, in place of the petitioner the services of Prakash Kulkarni, Deputy Manager (Accounts) be allocated to the M.P. State Agro Industries Development Corporation Ltd., and both of them gave mutual consent. Same was placed before the Kapoor Committee, but on account of some departmental enquiry pending against the petitioner in the State of M.P., the said request was not accepted and the impugned order Annexure-P/1 rejecting the petitioner's representation was passed by the Managing Director.

Learned counsel for the petitioner submitted that now recommendation of the Kapoor Committee has been sent to the Central Government for its approval. In the meantime, the petitioner was relieved by the Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam Ltd., vide order dated 20th July 2006. In pursuance of that, the petitioner reported before the M.P. State Agro Industries Development Corporation Ltd.. However, vide letter Annexure-PX/1 dated 28-7-2006 the Managing Director has refused to allow the petitioner to join his services on the ground that till the final allocation list is passed, it is difficult to take the petitioner on duty. The petitioner has already been relieved and he reported before the Madhya Pradesh State Agro Industries Development Corporation, Ltd., even as per the tentative final allocation list, Chhattisgarh Rajya Beej Avam Krishi Vikas Nigam Limited and the Madhya Pradesh State Agro Industries

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Development Corporation Ltd, are expected to allow the employees to join at the respective place even if the representations are pending consideration and report of the Kapoor Committee is also pending consideration before the Central Government. The Kapoor Committee was constituted in order to decide and settle the representations filed by various employees of the Corporation. Till the report of Kapoor Committee is accepted by the Central Government or order of final allocation is passed, the Managing Director of the Madhya Pradesh State Agro Industries Development Corporation Ltd., was not entitled to refuse the petitioner to join his duties as per the tentative final allocation list.

In the circumstances, the Managing Director is directed to allow the petitioner to join his duties in the State of Madhya Pradesh and that joining will be subject to the final allocation list issued by the Central Government. In case, the Central Government accepts the representation of the petitioner for allocation of services of the petitioner to the State of Chhattisgarh, then the petitioner will be entitled to come to the State of Chhattisgarh and join, as on account of not passing final order by the Central Government difficulties are arising in day-to-day functioning of the Corporation. The minutes of the Kapoor Committee were recorded on 29-12-2005 and since then about 8 months' time have elapsed, therefore, respondent No.1- Secretary, Ministry of Personnel Public Grievance & Pension (Department of Personnel & Training) to pass appropriate order regarding issuance of the final allocation list at the earliest, in accordance with law.

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Shri Bhishma Kinger, learned counsel appearing on behalf of Union of India submitted that Union of India may be allowed 3 months' time to pass final order. Prayer is accepted. In the meantime, the Madhya Pradesh State Agro Industries Development Corporation Ltd., to expedite the enquiry pending against the petitioner and decide the same within a period of 3 months. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.3209/2006 and I.A. No.7654/2006 also stand disposed of. Parties are entitled for certified copy of this order. **Sd/-** **L.C. Bhadoo** **Judge**	

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